

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ALABAMA, WESTERN DIVISION

E.A.L.A. v. Jordan Powell, et al.

E.A.L.A. v. Powell · No. 7:26-cv-687-ACA-HNJ · Decided May 28, 2026

SUMMARY

The United States District Court for the Northern District of Alabama held that an immigration detainee detained in the interior of the United States may seek a bond hearing under 8 U.S.C. § 1226(a). The court ordered respondents to provide a bond hearing before an immigration judge within seven days or release the petitioner, while reserving ruling on the remaining claims. The court denied the petitioner's emergency motion for immediate release.

CASE DETAILS

COURT	United States District Court for the Northern District of Alabama, Western Division
JURISDICTION	United States District Court for the Northern District of Alabama, Western Division
DECIDED	May 28, 2026
DOCKET	7:26-cv-687-ACA-HNJ
DISPOSITION	granted_in_part_reserved_in_part
PROCEDURAL POSTURE	Petitioner sought a writ of habeas corpus under 28 U.S.C. § 2241, including a bond hearing and immediate release. After the court ordered respondents to show cause, respondents conceded that petitioner was entitled to a bond hearing. The district court granted the petition in part, reserved ruling on the remaining claims, ordered a bond hearing or release, and denied petitioner's emergency motion for immediate release.
STANDARD OF REVIEW	The opinion does not identify a formal standard of review. It independently considered jurisdiction and the statutory entitlement to a bond hearing on the habeas petition.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; precedential status unknown
PARTIES	E.A.L.A. v. Jordan Powell, et al.

TOPICS

federal habeas corpus

immigration detention

personal jurisdiction

subject matter jurisdiction

remedies

PRACTICE AREAS

immigration

federal habeas corpus

immigration detention

civil procedure

QUESTIONS PRESENTED

1. Whether respondents waived any objection to the district court's personal jurisdiction under 28 U.S.C. § 2241.
2. Whether E.A.L.A.'s detention was governed by 8 U.S.C. § 1226 rather than § 1225.
3. Whether detention under § 1226(a) entitled E.A.L.A. to a bond hearing.
4. Whether E.A.L.A. was entitled to immediate release rather than a bond hearing.
5. What remedy was appropriate for the conceded entitlement to a bond hearing.

HOLDINGS

1. The jurisdictional requirement in § 2241 concerns personal jurisdiction over the respondent, and respondents waived any objection by failing to challenge the court's jurisdiction.
2. Section 1226 applies to aliens unlawfully detained in the interior, whereas § 1225 applies to arriving aliens seeking entry at the border; because E.A.L.A. was detained in the interior, § 1226 governed.
3. An alien detained under § 1226(a) may seek a bond hearing before an immigration judge.
4. E.A.L.A. was not entitled to immediate release merely because he was detained under § 1226(a), because § 1226 guarantees a bond hearing rather than release.

KEY QUOTATIONS

“The writ of habeas corpus does not act upon the [detainee] who seeks relief, but upon the person who holds him in what is alleged to be unlawful custody.” (Discussion § 1)

“Section 1226 ensures a bond hearing, not immediate release.” (Discussion § 2)

“The court ORDERS Respondents to either (1) bring E.A.L.A. before an immigration judge for a bond hearing on or before June 4, 2026, or (2) release him from custody.” (Conclusion)

FACTUAL BACKGROUND

E.A.L.A., a native of Honduras, was apprehended by Department of Homeland Security officials in 2023. Officials scheduled an immigration hearing for 2027 and released him to his sister's custody, apparently because he was a minor when apprehended. He later remained in the United States and was detained for approximately three months without a bond hearing when this order was entered.

PROCEDURAL HISTORY

E.A.L.A. filed a § 2241 habeas petition challenging his immigration detention and asserting entitlement to a bond hearing under 8 U.S.C. § 1226(a). The court previously raised jurisdictional concerns and ordered respondents to show cause. Respondents did not contest jurisdiction and later conceded, based on *Hernandez Alvarez v. Warden, Fed. Det. Ctr. Miami*, that E.A.L.A. was entitled to a bond hearing. The court granted the statutory claim in part, reserved the remaining claims, ordered a bond hearing within seven days or release, and denied the request for immediate release.

DISPOSITION

granted_in_part_reserved_in_part

REMAND INSTRUCTIONS

Respondents must bring E.A.L.A. before an immigration judge for a bond hearing on or before June 4, 2026, or release him from custody. Petitioner's counsel must receive at least forty-eight hours' notice if counsel timely enters an appearance in the Executive Office of Immigration Review's online filing system. Respondents must file a compliance notice by June 5, 2026. The court reserved ruling on the remaining claims.

CASES CITED

- *Lipofsky v. N.Y. State Workers Comp. Bd.*, 861 F.2d 1257, 1258 (11th Cir. 1988)
- *DeRoy v. Carnival Corp.*, 963 F.3d 1302, 1311 (11th Cir. 2020)
- *Braden v. 30th Jud. Cir. Ct. of Ky.*, 410 U.S. 484, 494–95, 495 (1973)
- *Demjanjuk v. Meese*, 784 F.2d 1114, 1116 (D.C. Cir. 1986)
- *Rumsfeld v. Padilla*, 542 U.S. 426, 434 n.7 (2004)
- *Dufur v. U.S. Parole Comm'n*, 34 F.4th 1090, 1096–97 (D.C. Cir. 2022)
- *Khalil v. President, United States*, 164 F.4th 259, 273 (3d Cir. 2026)
- *Mathena v. United States*, 577 F.3d 943, 946 n.3 (8th Cir. 2009)
- *Palmer v. Braun*, 376 F.3d 1254, 1259 (11th Cir. 2004)
- *Hernandez Alvarez v. Warden, Fed. Det. Ctr. Miami*, __ F.4th __, No. 25-14065 (11th Cir. May 6, 2026)
- *Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018)
- *Lopez-Arevalo v. Ripa*, 801 F. Supp. 3d 668, 687 (W.D. Tex. 2025)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA WESTERN DIVISION E.A.L.A.,]] Petitioner,]] v.] Case No.: 7:26-cv-687-ACA-HNJ] JORDAN POWELL, et al.,]] Respondents.] MEMORANDUM OPINION AND ORDER
Petitioner E.A.L.A. filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Doc. 1).

The court ordered respondents to appear and show cause why the court should not grant the petition. (Doc. 6). After the Eleventh Circuit's decision in *Hernandez Alvarez v. Warden, Fed. Det.*

Ctr. Miami, ___ F.4th ___, No. 25- 14065, (11th Cir. May 6, 2026), the respondents now concede E.A.L.A. is entitled to a bond hearing. (Doc. 30 at 4).

Accordingly, for the reasons below, the court WILL GRANT IN PART and RESERVE RULING IN PART on E.A.L.A.'s petition. (Doc. 1). The court DENIES E.A.L.A.'s emergency motion for immediate release. (Doc. 28). I. BACKGROUND E.A.L.A. is a native of Honduras. (Doc. 1 ¶ 31.)

In 2023, Department of Homeland Security officials apprehended E.A.L.A., scheduled an immigration hearing in 2027, and released E.A.L.A. to his sister's custody. (Id.; see also doc. 1- 4; doc. 1-6). Since then, he has remained in the United States. (Doc. 1 ¶¶ 31–34; doc. 10 at 4). E.A.L.A.'s petition argues that he is entitled to a bond hearing pursuant to 8 U.S.C. § 1226(a) and seeks immediate release.

(Doc. 1 ¶¶ 103–10). The petition asserts three other causes of action. (Id. ¶¶ 96–118). At this time, the court considers only the statutory claim pursuant to § 1226 (“Count Three”). II. DISCUSSION 1. Jurisdiction The court previously raised the issue of jurisdiction over this action. (Doc. 25); see *Lipofsky v. N.Y. State Workers Comp. Bd.*, 861 F.2d 1257, 1258 (11th Cir.

1988) (“[A] district court may raise on its own motion an issue of defective venue or lack of personal jurisdiction[.]”); *DeRoy v. Carnival Corp.*, 963 F.3d 1302, 1311 (11th Cir. 2020) (noting federal courts have an obligation to determine subject matter jurisdiction).

Because § 2241 addresses personal jurisdiction, the court concludes that respondents have waived any objection to the court's exercise of jurisdiction. Under § 2241, district courts may grant relief “within their respective jurisdictions.” 28 U.S.C. § 2241(a).

The Supreme Court has held this language requires “nothing more than that the court issuing the writ have jurisdiction over the [respondent].” *Braden v. 30th Jud. Cir. Ct. of Ky.*, 410 U.S. 484, 495 (1973). When this action was filed, the court did not have jurisdiction over the properly named respondents because E.A.L.A.'s properly named custodian was not within the Northern District of Alabama.

(See generally doc. 25). Although E.A.L.A. argues that naming the ultimate custodian cures this defect, the suit must be filed in a district with jurisdiction over the respondent. See *Demjanjuk v. Meese*, 784 F.2d 1114, 1116 (D.C. Cir. 1986). And filing in the petitioner's “last known location,” incorrectly changes the inquiry from jurisdiction over the respondent to the petitioner's location.

See *Braden*, 410 U.S. at 494–95 (“The writ of habeas corpus does not act upon the [detainee] who seeks relief, but upon the person who holds him in what is alleged to be unlawful custody.”). But the Supreme Court has also indicated that the term “jurisdiction” as used in § 2241 is not related to the court's subject matter jurisdiction. See *Rumsfeld v. Padilla*, 542 U.S. 426, 434 n.7 (2004) (“The word ‘jurisdiction,’ of course, is capable of different interpretations.

We use it in the sense that it is used in the habeas statute, 28 U.S.C. § 2241(a), and not in the sense of subject-matter jurisdiction of the District Court.”). Although the court has not found a published Eleventh Circuit opinion addressing the issue, several circuit courts have concluded that “jurisdiction” under § 2241 is personal jurisdiction. See, e.g., *Dufur v. U.S. Parole Comm’n*, 34 F.4th 1090, 1096–97 (D.C.

Cir. 2022) (“The immediate custodian rule implicates personal jurisdiction, not subject matter jurisdiction; likewise, the requirement to file in the district of confinement concerns venue, not subject-matter jurisdiction.”); *Khalil v. President, United States*, 164 F.4th 259, 273 (3d Cir. 2026); *Mathena v. United States*, 577 F.3d 943, 946 n.3 (8th Cir. 2009).

The court finds their reasoning persuasive. Personal jurisdiction is subject to waiver. *Palmer v. Braun*, 376 F.3d 1254, 1259 (11th Cir. 2004) (“It is well-settled that lack of personal jurisdiction is a waivable defect.”).

Here, the respondents have never challenged this court’s jurisdiction and thus have waived any objection. In their response to the court’s order to show cause, the respondents did not directly challenge the court’s jurisdiction. (Doc. 10 at 16 (“While Federal Respondents do not yet have sufficient information to indicate whether the Petition was filed while Petitioner was confined in this district, the Petition should nevertheless be denied on the merits.”)).

And they have never argued this court lacks jurisdiction. (See doc. 9; doc. 14; doc. 16). On top of this, the respondents failed to object to E.A.L.A.’s motion to transfer the action back to the Northern District of Alabama. (Doc. 22 at 2 (“[C]urrent counsel for Respondents, Ms. Elizabeth Grozinger does not oppose this motion.”)).

Thus, respondents have waived any objection to the court exercising jurisdiction over this action.

2. Merits Because the court has jurisdiction over this action, the court turns to the merits: whether E.A.L.A. is entitled to a bond hearing under § 1226. Relying exclusively on the Eleventh Circuit’s decision in *Hernandez Alvarez*, E.A.L.A. argues that the court should order his immediate release.

(See generally doc. 28). E.A.L.A.’s petition seeks either immediate release or a bond hearing. (Doc. 1 at 52). The court considers the merits of E.A.L.A.’s claim before turning to the appropriate remedy. As the respondents concede (doc. 30 at 3–4), under the Eleventh Circuit’s decision in *Hernandez Alvarez*, “§ 1225 applies to arriving aliens seeking entry at the border, whereas § 1226 applies to aliens unlawfully in the interior.” __ F.4th __, No. 25-14065, at *13–14.

And E.A.L.A. was detained “in the interior,” so § 1226 governs. *Id.*; (doc. 1 ¶ 34; doc. 10 at 3–4). Because E.A.L.A. is detained under § 1226(a), he may seek a bond hearing. See *Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018) (“Federal regulations provide that aliens detained under § 1226(a) receive bond hearings at the outset of detention.”).

The court now turns to the appropriate remedy. E.A.L.A. seeks immediate release and an injunction preventing his detention absent due process. The court disagrees. Section 1226 ensures a bond hearing, not immediate release. See 8 U.S.C. § 1226(a). Nor does E.A.L.A. point to any portion of Hernandez Alvarez that mandates his immediate release. E.A.L.A. also argues that the court should immediately release him because the government previously released him to the custody of his sister after being apprehended.

(Doc. 28 at 7). But the only evidence before the court indicates that the government only did so because E.A.L.A. was a minor at the time of apprehension. (See doc. 1-6). And E.A.L.A. does not cite any authority for the proposition that the previous release due to E.A.L.A.'s minor status demands immediate release. (See doc. 23).

Accordingly, the court finds the appropriate remedy to be a bond hearing before an immigration judge. In reaching this conclusion, the court joins a "comfortable majority" of district courts concluding the same. See *Lopez-Arevelo v. Ripa*, 801 F. Supp. 3d 668, 687 (W.D. Tex. 2025). At the same time, recognizing that E.A.L.A. has been detained for three months without a bond hearing, the court ORDERS a bond hearing within seven days.

III. CONCLUSION The court WILL GRANT IN PART E.A.L.A.'s petition and WILL ENTER PARTIAL JUDGMENT on the writ of habeas corpus based on an unlawful detention under § 1225, ("Count Three"). The court ORDERS Respondents to either (1) bring E.A.L.A. before an immigration judge for a bond hearing on or before June 4, 2026, or (2) release him from custody.

The court RESERVES RULING on the remaining claims in E.A.L.A.'s petition. E.A.L.A.'s counsel must receive at least forty-eight hours' notice of the hearing, but only if they enter their appearance in the Executive Office of Immigration Review's online filing system in time to receive the notice.

The court also DIRECTS Respondents to file a notice on or before June 5, 2026, reporting on their compliance with the court's order. Because the court concludes that a bond hearing is the appropriate remedy, the court DENIES E.A.L.A.'s emergency motion because it seeks only immediate release. (Doc. 28). DONE and ORDERED this May 28, 2026. la UNITED STATES DISTRICT JUDGE